

AMITY: CANADA

*Protocol signed at Washington May 30, 1898*¹

I Malloy 770; Treaty Series 145

PROTOCOL OF THE CONFERENCES AT WASHINGTON IN MAY, 1898, PRELIMINARY TO THE APPOINTMENT OF A JOINT COMMISSION FOR THE ADJUSTMENT OF QUESTIONS AT ISSUE BETWEEN THE UNITED STATES AND GREAT BRITAIN, IN RESPECT TO THE RELATIONS OF THE FORMER WITH THE DOMINION OF CANADA

At the first meeting of the conferees, held on the 25th day of May, were present:

On the part of Great Britain, His Excellency The Right Honorable Sir Julian Pauncefoot, G. C. B., G. C. M. G., Her Britannic Majesty's ambassador at Washington, etc., and the Honorable Sir Louis Davies, K. C. M. G., minister of marine and fisheries of the Dominion of Canada; and

On the part of the United States, the Honorable John W. Foster, late Secretary of State of the United States, etc., and the Honorable John A. Kasson, special commissioner plenipotentiary, etc.

At this meeting the conferees considered and adopted the following declaration:

There is concurrence of views on both side upon the following points:

I

It is desirable that all controversies between the United States and Great

¹ Pursuant to the protocol, commissioners were appointed, and the convention met at Quebec Aug. 23, 1898. President McKinley, in his annual message of 1899, said, "Much progress had been made by the commission toward the adjustment of many of these questions, when it became apparent that an irreconcilable difference of views was entertained respecting the delimitations of the Alaskan boundary. In the failure of an agreement as to the meaning of articles 3 and 4 of the treaty of 1825 between Russia and Great Britain [*British and Foreign State Papers*, vol. 12, p. 38], which defined the boundary between Alaska and Canada, the American commissioners proposed that the subject of the boundary be laid aside and that the remaining questions of difference be proceeded with, some of which were so far advanced as to assure the probability of a settlement. This being declined, by the British commissioner, an adjournment was taken until the boundary should be adjusted by the two Governments."

Britain in respect to the Dominion of Canada should be amicably settled, to the end that their intercourse shall be established and maintained on the principles of a cordial friendship between coterminous neighbors.

II

To accomplish this result it is expedient that each should communicate to the other, in outline, the modification of existing conditions, the concessions or adjustments which it believes ought to be made for the removal of grievances and for the improvement of its commercial or international relations with the other.

III

That for the final consideration and adjustment of the questions so presented a joint commission, to consist of —— members, to be appointed by each of the Governments, should be created with plenipotentiary powers, whose conclusions shall be presented in the form of a convention or conventions between the two Governments.

IV

In the meantime it is expedient that informal *pour parlers* should proceed, with a view to formulate the propositions to serve as bases for the consideration and determination of the commission to be appointed as above suggested.

At the second meeting, held on the 26th day of May, the same conferees being present, the subjects which should be presented for the consideration and action of the proposed joint commission were presented and discussed. The number of members of which the commission should consist, and the place where the sessions of the commission should be held, were also considered.

The conferees on the part of the United States expressed their desire to consult the wishes of the Canadian government in respect to the place of meeting of the commission, and would not object to a convenient point in Canada, if this should be more agreeable to that government.

They further expressed the opinion that in view of the number and character of the questions before the commission, it should be composed of five representatives of each government.

The conferees on the part of Great Britain were apprehensive that so large a number might be conducive to debate and delay rather than to deliberation and decision.

Without concluding the consideration of the foregoing subjects, the meeting was adjourned until Friday, the 27th.

At the third meeting, held on Friday, May 27, the same conferees being present, the subjects discussed at the previous meeting were again under consideration, and the following statement of the subjects to be presented for the action of the joint commission was agreed upon.

In order to attain a complete concord in the relations between the United States and the Dominion of Canada, it is expedient to come to an agreement upon the following subjects:

First. The questions in respect to the fur seals in Bering Sea and the waters of the North Pacific Ocean.

Second. Provisions in respect to the fisheries off the Atlantic and Pacific coasts and in the inland waters of their common frontier.

Third. Provisions for the delimitation and establishment of the Alaska-Canadian boundary by legal and scientific experts if the commission shall so decide, or otherwise.

Fourth. Provisions for the transit of merchandise in transportation to or from either country across intermediate territory of the other, whether by land or water, including natural and artificial waterways and intermediate transit by sea.

Fifth. Provisions relating to the transit of merchandise from one country to be delivered at points in the other beyond the frontier.

Sixth. The question of the alien-labor laws applicable to the subjects or citizens of the United States and of Canada.

Seventh. Mining rights of the citizens or subjects of each country within the territory of the other.

Eighth. Such readjustment and concessions as may be deemed mutually advantageous, of customs duties applicable in each country to the products of the soil or industry of the other, upon the basis of reciprocal equivalents.

Ninth. A revision of the agreement of 1817² respecting naval vessels on the Lakes.

Tenth. Arrangements for the more complete definition and marking of any part of the frontier line, by land or water, where the same is now so insufficiently defined or marked as to be liable to dispute.

Eleventh. Provisions for the conveyance for trial or punishment of persons in the lawful custody of the officers of one country through the territory of the other.

Any other unsettled difference not included in the foregoing specifications may be considered and acted upon by mutual agreement of the commissioners representing the two Governments.

It was also understood that, so far as practicable and in accordance with

² Agreement of Apr. 28 and 29, 1817 (TS 110½), *ante*, p. 54.

the second paragraph of the declaration adopted at the first meeting, each Government should communicate to the other in advance of the meeting of the commission a memorandum of its views on each of the aforesaid subjects.

There was also a concurrence of opinion that each Government should defray the expenses of its own commissioners, and that any joint expenses incurred by order of the joint commission, and so certified, should be paid in equal moieties by the respective Governments.

And that the joint commission, when assembled, should be authorized to determine from time to time, in its discretion, the dates and places of its sessions.

The meeting was then adjourned until Saturday, the 28th.

At the fourth meeting, held on Saturday, May 28, the same conferees being present, upon the suggestion of Sir Louis Davies, the third clause in the statement of subjects to be submitted to the proposed commission, and relating to the Alaska-Canadian boundary, was amended by adding the following words at the end thereof: "by legal and scientific experts, if the commission shall so decide, or otherwise."

In that connection it was remarked by the conferees on the part of the United States that in their opinion the power of the commission to consider this method of adjustment already existed in the former terms, and that this addition neither enlarged nor restricted the powers already granted. They had, therefore, no objection to the amendment.

It was further agreed that each Government would have the power at any time after the appointment of its commissioners to fill any vacancy in its representation arising from any cause.

The British conferees desiring time to consult their Government touching the number of commissioners, and the time and place for the first meeting of the joint commission, it was agreed that these points should be settled by subsequent correspondence between the two Governments.

In the meantime the conferees of the United States concurred in the suggestion of the British conferees that Quebec might be named as a suitable city for the assembling of the commission.

The conference then adjourned until Monday, May 30.

At the fifth meeting, held on Monday, May 30, the same conferees being present, Sir Louis Davies renewed the question which had been mentioned at the meeting on Saturday of submitting to the proposed commission the subject of reciprocity in wrecking and salvage rights and in the coasting trade, and urged, in accordance with instructions from the Canadian government, that they should be specifically referred for consideration to the proposed commission.

In reply, it was stated by the conferees on the part of the United States that in respect to wrecking they regarded that question as an "unsettled difference," which had been already discussed between the two Governments, and that it could properly come before the commission.

Thereupon it was distinctly understood by the conferees that the question of reciprocity in wrecking and salvage rights should be submitted to the proposed joint commission.

In respect to the coasting trade, the conferees on the part of the United States observed that this could hardly be considered a question in difference between the two Governments. Under existing instructions from their Government they did not feel at liberty to include it within the jurisdiction conferred upon the joint commission.

Having concluded the subjects before them for consideration, the conference then adjourned without date.

In verification of the foregoing protocol of their proceedings and conclusions, the conferees aforesaid have hereunto affixed their names in duplicate this 30th day of May, 1898, under reserve of the approval of their respective Governments.

JOHN A. KASSON
JOHN W. FOSTER
JULIAN PAUNCEFOTE
L. H. DAVIES